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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,966	11/08/2001	Friedhelm Steinhilber	056066-2025	2665

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EXAMINER

WONG, KIN C

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,966

Applicant(s)

STEINHILBER

Examiner

K. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The term ("diameter") is being objected because this term normally associated with a circle or a sphere figures that have a straight line through the center of the figure, and, is not associated with a rectangle figures. An appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims (1-5 and 8-12) are rejected under 35 U.S.C. 102(b) as being anticipated by Chambers (4361858).

Regarding claim 1: Chambers discloses an automatic library (or auto-changer or juke-box) for cartridges of a data storage tape (as depicted in figures 1 and 7 of Chambers), including:

at least one drive (element 70 in figure 1) for cartridges, the cartridges having the form of flat right [parallelepiped] parallelepiped (This cartridge form factor is a conventional configuration form for a data cartridge or cassette.), each the drive having a cartridge pocket adapted to receive a cartridge;

and a magazine (as depicted figures 1 and 7- see elements 12, 18 and 20), the magazine comprising one or more receivers for the cartridges, each of the receivers being adapted to revolve on a closed path of revolution about the at least one drive,

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wherein the cartridge pocket (as depicted in figure 8e of Chambers) of a drive and the receivers of the magazine are disposed such that the magazine is positionable with one of the receivers being aligned with the cartridge pocket of a drive along an insertion axis for transfer of a cartridge,

wherein the at least one drive has a plurality of side walls enclosing the drive within the path of revolution (as depicted in figure 1 and 7 – see location of element 70), the at least one drive further having a diagonal dimension,

and wherein the path of revolution of the magazine is noncircular (as depicted in figure 7) such that a diameter of the path of revolution in a direction perpendicular to the side walls of the at least one drive is less than a diameter of the path of revolution in the direction of the diagonal dimension of the at least one drive.

Regarding claim 2: Chambers depicts in figure 7 that wherein the path of revolution of the magazine comprises straight path sections along at least one of the sidewalls.

Regarding claim 3: Chambers depicts in figure 7 that wherein the path of revolution of the magazine has the form of a rectangle with rounded-off corners.

Regarding claim 4: Chambers depicts in figure 1 that wherein the cartridges are disposed in the receivers of the magazine and in the cartridge pocket of the drive lying with their flat side in the plane of the path of revolution.

Regarding claim 5: Chambers depicts in figures 1 and 7 that wherein the cartridges are disposed in the receivers of the magazine and in the cartridge pocket of

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the at least one drive standing on end with respect to the plane of the path of revolution of the magazine.

Regarding claims 8-11: claims (8-11) have limitations similar and same scope to those treated in the above rejection(s), and are met by the reference as discussed above. Claim 8 however also recites the following limitations of upright positioning of the cartridge and the associated functions which are consider satisfied by Chambers as depicted in figure 7.

Regarding claim 12: method claim 12 is drawn to the method of using the corresponding apparatus claimed in claims 1-4. Therefore method claim 12 corresponds to apparatus claims (1-4) and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (6-7) are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers (4361858) in view of Marlowe (5856894).

Regarding claims 6-7: the reason for Chambers is stated in above rejections. Chambers fails to mention plurality of drives for the cartridges. Marlowe is relied on for

the teachings of the plurality of the drives – see col. 5, line 60 to col. 6, line 23 of Marlowe for details.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the library of Chambers with plurality of drive as taught by Marlowe. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide one or more data cartridge processing on the same time frame as suggested in col. 1, lines 47-65 of Marlowe.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hertrich (3378827), Zeigler (3494622), Ban (3682480), Uemura (3807741), Hapke (4471394), Helmick et al (6381089) and Schneider et al (6175467) are cited for cartridge library conveyor system. Sato (3756609), Tomita et al (5148332), Hinnen et al (5555143) and Horie (5640288) are cited for plural drive in the cartridge library system. Sato (3756609) could be read on all claims – see figure 9 and col. 6, line 3 to col. 7, line 11 of Sato, but, is not used for this office action because among other reason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (703) 305-7772.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (703) 308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Hkw

19 Mar 04



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600